

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

COREY DEWAYNE DAVIS,)	
)	
Petitioner,)	
)	
v.)	No. 4:07CV35 CEJ
)	
LARRY DENNEY,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

Before the Court are petitioner's motion for judgment on the pleadings and his application for a writ of habeas corpus ad testificandum.

Petitioner filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on January 10, 2007. Respondent filed a response brief on May 17, 2007, and petitioner filed his traverse on June 1, 2007. Since that time, petitioner has filed myriad motions seeking immediate release from confinement. In his motion for judgment on the pleadings, petitioner makes the same assertions previously set forth in his petition and his traverse. Because these arguments are already before the Court, petitioner's motion for judgment on the pleadings will be denied without prejudice.

In his petition for writ of habeas corpus ad testificandum, petitioner seeks release from confinement so that he can testify in an evidentiary hearing before this Court. As

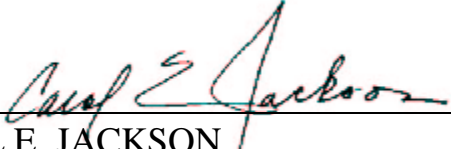
the Court has not scheduled an evidentiary hearing in this matter, the application for writ of habeas corpus ad testificandum will also be denied without prejudice.

Accordingly,

IT IS HEREBY ORDERED that petitioner's motion for judgment on the pleadings [Doc. #17] is **denied without prejudice**.

IT IS FURTHER ORDERED that petitioner's application for a writ of habeas corpus ad testificandum [Doc. #18] is **denied without prejudice**.

Dated this 5th day of September, 2008.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE